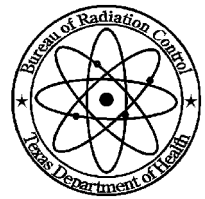




BUREAU OF RADIATION CONTROL
REGULATORY GUIDE
TEXAS DEPARTMENT OF HEALTH



REGULATORY GUIDE 8.1

**GUIDELINES FOR ISSUING RADIOACTIVE MATERIAL LICENSES OR
CERTIFICATES OF REGISTRATION DUE TO A CHANGE IN NAME OR OWNERSHIP**

I. Introduction

This guide describes general conditions that necessitate the issuance of a new license or certificate of registration due to a change in name or ownership of a licensee or registrant. It also describes conditions involving a change in name or ownership that may require an amendment to an existing license or certificate of registration rather than issuance of a new license or certificate of registration. This guide does not cover all circumstances. Changes to each license or certificate of registration will be evaluated by the agency on a case-by-case basis.

Title 25 Texas Administrative Code (TAC) §289.252(k)(2) prohibits the transfer of a license to any person unless specific terms and conditions of the license are met in accordance with this section. The agency should be contacted 30 days prior to a change in name or ownership of an existing license. If an application for a new license is required, regulatory guides for specific types of licenses are available from the agency. Registrants shall notify the agency within 30 days of certain changes, including a name change [§289.226(m)].

For purposes of these guidelines, an "ownership change" refers to a change of the legal entity to which the license or certificate of registration is issued, whether through merger, reorganization, or transfer of certain operations. An ownership change does not necessarily result in a name change. Likewise, a name change does not necessarily result in an ownership change.

Regulatory Guides are issued to describe and make available acceptable methods of implementing specific sections of **Title 25 Texas Administrative Code Chapter 289, Texas Regulations for Control of Radiation**, to delineate techniques used by the staff in evaluating specific issues, or to provide guidance to applicants, licensees, or registrants. Regulatory Guides are **NOT** substitutes for regulations and compliance with them is not required. Methods and solutions different from those set out in the guides will be acceptable if they provide a basis for the Texas Department of Health, Bureau of Radiation Control, to make necessary determinations to issue or continue a license or certificate of registration.

Comments and suggestions for improvements in these Regulatory Guides are encouraged at all times and they will be revised, as appropriate, to accommodate comments and to reflect new information or experience. Comments should be sent to the Deputy Director, Standards and Special Projects, Bureau of Radiation Control, Texas Department of Health, 1100 W. 49th Street, Austin, Texas 78756-3189.

Regulatory guides may be reproduced or may be obtained by contacting the agency at (512) 834-6688 or accessing the Bureau of Radiation Control web page at www.tdh.state.tx.us/ech/rad/pages/brc.htm

(JULY 1999)

II. Changes requiring the issuance of a new license or certificate of registration

A. An application for a new license must be submitted when the following occurs.

1. A change in:
 - a. ownership of the licensee; and/or
 - b. name of the licensee;

AND

2. A change in one or more of the following:
 - a. the facility(ies);
 - b. RSO;
 - c. users;
 - d. procedures; or
 - e. locations.

B. An application for a new certificate of registration must be submitted when the following occurs:

1. A change in:
 - a. ownership of the certificate of registration; and/or
 - b. name of the registrant.

AND

2. A change in one or more of the following:
 - a. the facility(ies);
 - b. RSO;
 - c. users; or
 - d. locations.

C. If a licensee or registrant is a one-person owner and operator of a facility and the changes in II.A. and II.B. apply, the changes will be evaluated by the agency on a case-by-case basis to determine whether an amendment or new license or certificate of registration will be issued.

III. Changes that may require the issuance of a license or certificate of registration amendment

An amendment to an existing license or certificate of registration may be issued when the following occurs.

- A. The name of the licensee or registrant changes, but ownership and key operational factors such as those listed in II.A.2. and II.B.2., remain the same. The licensee or registrant should submit a request to change the name and a written statement that the ownership and key operational factors will remain the same.
- B. The name and/or ownership of the licensee changes, but key operational factors such as those listed in II.A.2., remain the same. In this case, the following should be submitted.
 - 1. A written request from the licensee regarding the transfer of the facility(ies), all licensed radioactive material, and the license to the new company;
 - 2. A written description detailing the change in ownership (e.g., stock transfer, merger, etc.);
 - 3. Documentation of the purchase agreement;
 - 4. A completed BRC Form 252-1 from the new operator;
 - 5. A written statement from the new owner or management that the new company will adhere to commitments, operating and emergency procedures, and conditions of the previously issued license and that key personnel (i.e., the RSO) have not changed;
 - 6. Documentation of the organizational structure of the new company. This should include the reporting system between executive management and the RSO; and
 - 7. A written statement stating who has the authority for appointing the RSO and that the RSO will have all necessary authority to enforce radiation safety requirements.
- C. The name and/or ownership of the registrant changes, but key operational factors such as those listed in II.B.2., remain the same. In this case, the following should be submitted.
 - 1. A written request from the registrant regarding the transfer of the facility to the new company;
 - 2. A written description detailing the change in ownership (e.g., stock transfer, merger, etc.);
 - 3. Documentation of the purchase agreement;

4. A completed BRC Form 226-1 from the new operator; and
 5. A written statement that the new company will adhere to commitments, operating and emergency procedures, and conditions of the certificate of registration previously issued to the registrant and that key personnel (i.e., the RSO) have not changed.
- D. All statements should be signed by an authorized representative (i.e., CEO, President, etc.) of the appropriate legal entity (i.e., corporation, partnership, etc.).